

REMARKS

FORMAL MATTERS:

Claims 1-7, 9-25, 27-34, 36, 37 and 55 are pending after entry of the amendments set forth herein.

Claims 26, 42-54 and 56-63 are canceled without prejudice.

Claims 8, 35 and 38-41 are withdrawn

Claims 20 is amended. Support for this amendment is found at page 6, lines 31-32.

No new matter is added.

REJECTIONS UNDER §102

Claims 1-7, 9-12, 14-25, 27-32, 34, 36 and 55 are rejected under 35 U.S.C. §102(b) as being anticipated by Bellhouse ('796).

The rejections are traversed as applied and as they might be applied to the presently pending claims.

The Examiner's attention is directed to Figures 3, 6 and 7. These Figures show particle trajectories (33) passing through with a clean quasi-steady flow over the entire distance of the duct section (i.e., from the position labeled "membrane" to the position labeled "nozzle start").

It is pointed out that the waves (71) as shown in Figure 7 are expansion waves and not shock waves. This is described in the specification at page 17, line 23. In support of the rejection it was argued that applicants had admitted that Bellhouse creates quasi-steady flow at page 3, lines 16-19. Although this is correct, the application makes it clear that the quasi-steady flow referred to is confined specifically to the region "3" as shown in Figure 1.

In the present application at page 6, lines 1-5 it is explained that while some particles are accelerated in the region "3" all of these particles are separated by the quasi-stationary shock front 14 defined in region "2" of Figure 1. Accordingly, any particles accelerated in region "3" pass through the shock wave 14 shown in Figure 1. The shock wave 14 defines the downstream boundary of the quasi-steady flow. All flow downstream of the shockwave 14 is not quasi-steady.

As such, for the duration of time that the particles are in the "duct section" of Bellhouse, the particles are partially accelerated by the quasi-steady flow 3 that is mainly accelerated by the non-quasi-steady flow in regions "1" and "2". The claimed limitation of the dose of particles being "substantially

wholly entrained in the substantially shock wave-free quasi-steady flow for the duration of time that said particles are in the duct section” is, therefore, not disclosed within Bellhouse et al. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER §103(A)

Claim 37 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bellhouse (‘880) as applied to claim 36 above and further in view of Bellhouse (‘478).

The rejection is traversed as applied and as might be applied to the presently pending claims. Claim 37 is dependent on claim 36 which is dependent on amended claim 20. Claim 20 has been amended to distinguish the invention from Bellhouse et al. as explained above in response to the 35 U.S.C. §102 rejection. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

OBJECTIONS TO THE CLAIMS

Claims 13 and 33 are objected to a being dependent upon a rejected claim.

Applicants are grateful in that the Examiner has indicated that claims 13 and 33 encompass allowable subject matter. However, applicants point out that claim 13 is dependent on claim 9 which is dependent on claim 1 which incorporates the limitations of claim 20 which includes the amendments referred to above in response to the 35 U.S.C. §102 rejection. Further, claim 33 is dependent on claim 29 which is dependent on claim 20 which incorporates the limitations discussed above in response to the 35 U.S.C. §102 rejection. Accordingly, claims 13 and 33 are believed to be allowable over Bellhouse et al. for the reasons described above with respect to the 35 U.S.C. §102 rejection.

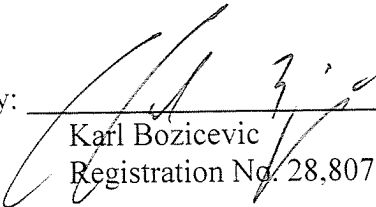
CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number KEMP-002.

Respectfully submitted,
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Date: 16 August / 07

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